OIPE JC
MAY 16 2005
PATENT & TRADEMARK OFFICE

AF/IW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: John Hadfield et al.	§	Group Art Unit: 3625
Serial No.: 09/672,934	§	Examiner: Gart, Matthew S.
Filed: September 28, 2000	§	
For: SYSTEM DESIGN, PROPOSAL AND PROGRAMMING METHOD AND APPARATUS	§	Atty. Docket: ALBR:0080/YOD/VYA 00AB183

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Mail Stop Appeal Brief-Patent, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

May 10, 2005 _____
Date Manish Vyas

APPEAL BRIEF PURSUANT TO 37 C.F.R. §§ 41.31 AND 41.37

This Appeal Brief is being filed in furtherance to the Notice of Appeal mailed on February 7, 2005, and received by the Patent Office on February 10, 2005. Appellants hereby authorize the Commissioner to charge the requisite fees of $500.00 for the Appeal Brief and $120.00 for a one-month extension to Deposit Account No. 01-0857; Order No. 00AB183 (ALBR:0080/YOD/VYA). A duplicate copy of this page is provided herewith. Appellants do not believe that any other fees are due at this time. However, in the event that additional fees are necessary to advance prosecution of the present application, at this or any other time, Appellants hereby authorize the Commissioner to charge the requisite fees to Deposit Account No. 01-0857; Order No. 00AB183 (ALBR:0080/YOD/VYA).

1. REAL PARTY IN INTEREST

The real party in interest is Rockwell Technologies, LLC, the Assignee of the above-referenced application by virtue of the Assignment to Rockwell Technologies, LLC recorded at reel 011161, frame 0983, and dated September 28, 2000.

OIPE JC: 9
MAY 16 2005
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: John Hadfield et al.	§	Group Art Unit: 3625
Serial No.: 09/672,934	§	Examiner: Gart, Matthew S.
Filed: September 28, 2000	§	
For: SYSTEM DESIGN, PROPOSAL AND PROGRAMMING METHOD AND APPARATUS	§	Atty. Docket: ALBR:0080/YOD/VYA 00AB183

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Mail Stop Appeal Brief-Patent, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

May 10, 2005 _____
Date Manish Vyas

APPEAL BRIEF PURSUANT TO 37 C.F.R. §§ 41.31 AND 41.37

This Appeal Brief is being filed in furtherance to the Notice of Appeal mailed on February 7, 2005, and received by the Patent Office on February 10, 2005. Appellants hereby authorize the Commissioner to charge the requisite fees of $500.00 for the Appeal Brief and $120.00 for a one-month extension to Deposit Account No. 01-0857; Order No. 00AB183 (ALBR:0080/YOD/VYA). A duplicate copy of this page is provided herewith. Appellants do not believe that any other fees are due at this time. However, in the event that additional fees are necessary to advance prosecution of the present application, at this or any other time, Appellants hereby authorize the Commissioner to charge the requisite fees to Deposit Account No. 01-0857; Order No. 00AB183 (ALBR:0080/YOD/VYA).

1. REAL PARTY IN INTEREST

The real party in interest is Rockwell Technologies, LLC, the Assignee of the above-referenced application by virtue of the Assignment to Rockwell Technologies, LLC recorded at reel 011161, frame 0983, and dated September 28, 2000.

2. RELATED APPEALS AND INTERFERENCES

Appellants are unaware of any other appeals or interferences related to this Appeal. The undersigned is Appellants' legal representative in this Appeal. Rockwell Technologies, LLC, the Assignee of the above-referenced application, as evidenced by the documents mentioned above, will be directly affected by the Board's decision in the pending appeal.

3. STATUS OF CLAIMS

Claims 1-11, 20, 22-25, 31-35, and 37-54 are currently pending and under final rejection, and, thus, are the subject of this Appeal. Claims 12-19, 21, 26-30, and 36 previously have been canceled without prejudice.

4. STATUS OF AMENDMENTS

All amendments in relation to the claims of the present application have been entered, and no amendments have been submitted or entered subsequent to the Final Office Action mailed November 11, 2005.

5. SUMMARY OF CLAIMED SUBJECT MATTER

In certain embodiments, the present invention relates to a technique for integrating design, sales, and manufacturing, and programming functions that are designed to respond to these needs. *See* Application, p. 2, ll. 24-26.

Traditionally, electrical control and monitoring systems undergo a series of discrete, unassociated steps when progressing from the factory to the field. *See* Application, p. 1, ll. 15-17. For example, a downstream customer often selects engineered systems from a manufacturer's catalog, based on the general capabilities of the components and the desired abilities of the final assembly of the individual components. *See id.* at p. 1, ll. 18-22. In some instances, a sales module, for solicitation of orders, facilitates the development of an assembly catering to the customer's needs.

However, despite the fact that a sales module already contains a wealth of information about the assembly, technicians and programmers typically manually input final configuration data into various programmable components of the assembly. *See id.* at p. 1, l 25 to p. 2, l. 11. For instance, programmers traditionally would manually input the physical location of a component in the system, despite the fact that sales module had already developed a geographic layout, thus, having the knowledge of the eventual location of the various component in the finally assembled system.

To obviate such concerns, the present technique, in certain embodiments, presents novel techniques for selling engineered electrical systems. For example, an exemplary embodiment of the present technique may generate a database 96 that includes pricing information, availability information, configuration data, serial number, model numbers, and the like, via a design module. *See* Application, p. 14, ll. 4-6. With the information in this database 96, a sales solicitation module 110 develops a sale proposal 112. *See id.* at p. 14, ll. 6-8. For example, the sales proposal develops detailed specifications for the components, as well as their proposed functions and locations. *See id.* at p. 14, ll. 8-11. Indeed, the sale proposal 112 can include textual information regarding a components identity and, furthermore, the physical location of a given component in the system. *See id.* Subsequently, a configuration tool, such as a "configurator", extracts data from the database 96 and configures the actual memory objects 80 in the various components 32 of the eventual final assembly. *See id.* at p. 14, ll. 17-19. Thus, the database established in accordance with the design set forth by the design module 108, and used by the sales solicitation module 110 for generating proposal 112, serves to configure the actual objects 80 contained with the components 32 of the system. *See id.* p. 14, ll. 14-15. Simply put, data is downloaded from the database 96 to the memory objects 80 of a given component.

The foregoing methodology is representative of the subject matter of independent claims 1, 20, 31, 34, 42, 47, and 50 of the present application.

6. **GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

Sole Ground of Rejection: Appellants respectfully request that the Board review and reverse the Examiner's sole ground of rejection, in which the Examiner rejected claims 1-11, 20, 22-25, 27-35, and 37-54 under 35 U.S.C. § 102(e) as anticipated by the Skoolicas reference (U.S. Patent No. 6,230,403; hereinafter "Skoolicas").

7. **ARGUMENT**

Sole Ground of Rejection:

In the Final Office Action, Examiner rejected claims 1-11, 20, 22-25, 27-35, and 37-54 under 35 U.S.C. § 102(e) as anticipated by Skoolicas. Specifically, the Examiner rejected independent claims 1, 20, 31, 34, 42, 47, and 50 as follows:

> Referring to claim 1. Skoolicas discloses a method for selling engineered electrical systems (column 2, lines 26-51), the method comprising the steps of:
>
> > Generating a database for an electrical system comprising a plurality of programmable devices, the database including device designation data (column 32, lines 36-62);
> >
> > Soliciting an order for the system (column 31, lines 48-59);
> >
> > Assembling the system including the plurality of programmable devices (column 32, lines 36-62); and
> >
> > Configuring memory objects within the devices by downloading at least the device designation data from the database (column 2, lines 42-51 and column 34, lines 41-57).
>
> ....
>
> The Examiner notes, the data included within the designation data qualifies as descriptive material since it is directed to the content of data, not structure or an action or step. The particular data stored does not patentably distinguish the claimed method and is given little patentable weight.
>
> ....

Referring to claim 20. Claim 20 is rejected under the same rational as set forth above in claim 1.

....

Referring to claim 31. Claim 31 is rejected under the same rational as set for above in claim 1.

....

Referring to claim 34. Claim 34 is rejected under the same rational as set for above in claim 1.

....

Referring to claim 42. Claim 42 is rejected under the same rational as set for above in claim 1.

....

Referring to new claims 47-54. New claims 47-54 are rejected under the same rationale as set forth above in claims 1-11, 20, 22-25, 27-35 and 37-46.

....

The Examiner has cited particular columns and line numbers in the references as applied to a representative claim group for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitation within the representative claims, other passages and figures may be applied as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

The Applicant argues, "Claim I discloses that data is downloaded into the devices from a database, whereby Skoolicas discloses data that is indicated by the database."

The Examiner notes (with reference to Skoolicas), at microprocessor programming station **702**, the programmable devices are programmed using programming specifications **702A** provided by the SMI. The SMI (system manufacturing interface) receives raw system

specifications upon the receipt of an order from the ordering system. After receiving the raw specifications, the SMI generates all of the detailed manufacturing specifications for all of the components necessary to build the system (including programmable device specifications).

Claim 1 of the instant application is not limited to direct downloading of information the programmable devices. Claim 1 recites, "Configuring memory objects within the devices by downloading at least the device designation data from the database." Claim 1 does not recite that the information is directly downloaded into the programmable device. Claim 1 is interpreted as a method wherein information is downloaded to a user (i.e., via a printout or display) then using the information, a user could program the programmable device. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181,26 USPQ2d 1057 (Fed. Cir. 1993).

The Applicant notes that the application makes clear that device designation data relates to various attributes of the device itself, such as its function and physical location.

The Examiner notes, in reference to all the claims, the data included within the designation data qualifies as descriptive material since it is directed to the content of data, not structure or an action or step. The particular data stored does not patentably distinguish the claimed method and is given little patentable weight.

The Applicant argues that the designation data provided in the database recited in claim 1 is much more than nonfunctional descriptive material.

The Examiner notes, the designation data, is not functionally involved in the steps recited. For example, claim 3 discloses that the device designation data includes data representative of a physical location of a device in the system. This device designation data could include any number of a plurality of data elements. The generating, soliciting, assembling and configuring steps would be performed the same regardless of the data being downloaded. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability.

The Examiner further notes, claim 20 is rejected under the same rationale as set forth above in claim 1. Claim 20 specifies the type of

designation data (i.e. component layout). This data qualifies as nonfunctional descriptive material because it is not functionally related to the method steps and could have included any number of a plurality of data types. The generating, assembling and programming steps would be performed the same regardless of the type of data being downloaded. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability.

Referring to claim 31, the Applicant argues that the Examiner has made no attempt to analyze this claim in any detail, preferring to depend upon the rationale used to reject claim 1. Furthermore the Applicant notes that claim 31 is a system claim not a method claim.

The Examiner notes, the system as recited in claim 31 aims to solve the same problem as the method recited in claim 1. In both claim 1 and claim 31 the present invention relates generally to the field of electrical control and monitoring systems, and more particularly to a system and method that integrates functions of design, sales and marketing, manufacturing, and programming of system components."

This is further demonstrated via the Applicant's remarks filed 10/20/2003 and 3/17/2004. The Applicant stated in his remarks filed 10/20/2003, "All of the independent claims, in similar terminology, recite configuring memory objects or programming programmable components based upon such a database. The database is generated for the programmable devices or components, and is used for soliciting an order and assembling a system. As noted in the present application, the use of the same database for configuring and selling the system, and for programming the components specified greatly enhances the efficiency and consistency between design, sale and implementation.["]

This Applicant's further stated in his remarks filed 3/17/2004, "...the present application currently includes seven independent claims, namely, claims 1, 20, 31., 34, 42, 47, and 50. In a broad sense, each of these claims recites configuring or programming a component or object by downloading items from a database into the memory object or programmable component." Throughout the prosecution of this application arguments have been presented and considered based on a representative claim group in order to simplify prosecution.

Final Office Action mailed November 5, 2004, pp. 2-10.

Appellants respectfully disagree with the Examiner's assertions and contentions, and assert that Skoolicas fails to disclose all of the features recited in the pending claims and, thus, fails to anticipate these claims. Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). Thus, for a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference. *See In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). The prior art reference also must show the identical invention "in as complete detail as contained in the ... claim" to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). Accordingly, Appellants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter.

Furthermore, Appellant respectfully reminds the Board that, during patent examination, the pending claims must be given an interpretation that is reasonable and consistent with the specification. *See In re Prater*, 162 U.S.P.Q. 541, 550-51 (C.C.P.A. 1969); *In re Morris,* 44 U.S.P.Q.2d 1023, 1027-28 (Fed. Cir. 1997); M.P.E.P. §§ 608.01(o) and 2111. Indeed, "claims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their 'broadest reasonable interpretation'." *In re Marosi*, 218 U.S.P.Q. 289 (Fed. Cir. 1983) (quoting *In re Okuzawa*, 190 U.S.P.Q. 464, 466 (C.C.P.A)). Moreover, interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *See In re Cortright*, 49 U.S.P.Q.2d 1464, 1468 (Fed. Cir. 1999); *see also* M.P.E.P. § 2111.

With the foregoing in mind, Appellants demonstrate below that Skoolicas does not at least disclose all of the features recited in independent claims 1, 20, 31, 34, 42, 47, and 50.

A. Independent Claims 1 and 20 and the Claims Depending Therefrom

For example, Skoolicas does not disclose the act of "configuring memory objects within the devices by downloading at least the device designation data from the database," as recited in independent claim 1, and the act of "programming the programmable components by downloading information from the database into the programmable components," as recited in independent claim 20. (Emphasis added.) By contrast, Skoolicas merely provides programming specifications to an operator for manual entry into a programmable microprocessor. *See* Skoolicas, col. 34, ll. 47-52. More specifically, Skoolicas simply discloses that a microprogramming station 702 can be employed by an operator to manually program a microprocessor using instruction provided by a system manufacturing interface. *See id.* Indeed, it appears that the Examiner concedes the need for an operator to manually program the programmable device of Skoolicas. *See* Final Office Action mailed November 5, 2004, p. 8 (noting the Examiner's application of Skoolicas to the purported interpretation of claim 1 of the application).

As is quoted above, the Examiner, however, contends that this manual insertion of data into the programmable microprocessor of Skoolicas is anticipatory of the recitation "downloaded" in the present claim. Appellants respectfully disagree. More specifically, as discussed further below, Appellants respectfully assert that the Examiner's interpretation of downloading is unreasonable and contrary to an interpretation one of ordinary skill in the art would develop in view of the specification.

Long standing precedent—which is discussed above—makes clear that a claim term must be reasonably interpreted, and this interpretation also must be consistent with the interpretation one of ordinary skill in the pertinent art would develop in view of the specification of the application. With this in mind, Appellants respectfully assert that the Examiner's encompassment of manual insertion of data by an operator as being equivalent to the act of downloading recited in the instant claim is not reasonable, nor is

it consistent, in any manner, with the interpretation one of ordinary skill in the art would develop.

Appellants respectfully assert that the term "downloading," as used in the pertinent art, generally indicates the electronic transfer of information from one device to another. Common examples of downloading include: downloading data from a computer into a handheld device, downloading data from a server to a desktop computer, downloading data from an Internet host to a local computer, and so forth.

By contrast, Appellants respectfully assert that it cannot be said manual entry of data by a person into a computer also constitutes that act of downloading. For example, Appellants respectfully assert that one of ordinary skill in the art would not equate a person reading data from one computer screen and entering this data into a second computer as downloading data from one computer to the second computer. Indeed, if one were to accept the Examiner's definition of "downloading," then Appellants' physical typing of text that is found in the Final Office Action into his computer would be a downloading of data from Examiner's computer to Appellants' computer: The Examiner entered data into a remote computer, created a print out, and Appellants then read this print out and entered this data into a local computer. Respectfully, Appellants assert that this is not reasonable.

Also, Appellants respectfully emphasize that, as discussed above, the claims of the application are not to be read in absolute absence of the specification. With respect to the present case, Appellants respectfully assert that the specification makes clear that downloading references an electronic transfer between two electronic components. Indeed, the Background of the present application notes that "manual programming is,...quite costly and can lead to error." *See Application,* p. 1, l. 29 to p. 2, l. 1 (emphasis added). Accordingly, Appellants respectfully assert that equating a manual transfer of data—by a person—between two computers with downloading is neither reasonable nor

appropriate, nor is it congruent with legal precedent regarding claim interpretation during prosecution.

Additionally, Appellants respectfully assert that Skoolicas does not disclose the act of "configuring memory objects within the devices by downloading at least the device designation data from the database," as recited in claim 1. (Emphasis added.) Rather, as discussed in Appellants' previous responses, the Examiner's citations to Skoolicas indicate that a microprocessor, of course, can be programmed. Respectfully, Appellants assert that a program—designed simply to manage operation of a device--by no means necessarily includes data regarding such devices' designation. For example, the mere knowledge that a motor controller is configured to operate a motor within specified parameters in not indicative of this devices designation, e.g,, its location, its model, its capabilities, and so forth. In summary, Appellants respectfully assert that a program—which provides only operational instructions—cannot be equated with data indicative of the designation of the component.

Appellants further contend that the designation data provided in the database recited above and downloaded into the devices as recited in these claim is much more than nonfunctional descriptive material. According to MPEP §2106 IV.B.1.(b),

> Descriptive material that cannot exhibit any functional interrelationship with the way in which computing processes are performed does not constitute a statutory process, machine, manufacture or composition of matter and should be rejected under 35 U.S.C. §101.

However, this section of the MPEP deals with descriptive material that cannot exhibit any functional interrelationship with the way a process is performed, thus failing to meet the requirements of 35 U.S.C. § 101.

In the present case, however, a database containing a particular type of data is generated, and data from this database is physically placed into a memory object of a

programmable device of an assembly of programmable devices. And, as is clearly set forth in the application, the presence of this device designation data in the programmed devices permits a range of enhanced functions that cannot be obtained through prior art systems such as that taught by Skoolicas. These include the ability to interrogate the devices to determine their functional state, their identification, their function in the system, their physical location in the system, and so forth. The presence of this information might also permit the association of the devices with stored catalog and specification data, as well as pre-programmed virtual pages to display operational characteristics in real time and historically. In short, the provision of such data in memory objects of the devices provides considerable functional interrelationships that are important to the operation of the system, and they should not be dismissed without, at a minimum, proper consideration.

Moreover, the M.P.E.P states that "[o]ffice personnel should be prudent in applying the foregoing guidance [i.e., a non-function descriptive matter argument]." *See* M.P.E.P. § 2106 IV.B.1.(b). Furthermore, this section of the M.P.E.P. states that "[n]onfunctional descriptive material may be claimed in combination with other functional descriptive multi-media material on a computer-readable medium to provide the necessary function and structural relationship to satisfy the requirements of 35 U.S.C. 101," and that "[t]he presence of the claimed nonfunctional descriptive matter is not necessarily determinative of nonstatutory subject matter." *See id.*

Additionally, Appellants respectfully assert that the dependent claims independent claims 1 and 20 also recite patentable features. For example, with respect to dependent claim 3, Appellants respectfully assert that the Examiner may not dismiss the recitations of this claims as being "descriptive material since it is directed to the content of data," and, thus, does not "patentably distinguish the claimed method and is given little patentable weight." As discussed above, for an anticipation rejection, the Examiner bears the burden of showing that each and every claim recitation is found in a single reference. Moreover, the type of designation data does have a "functional" relationship with respect

to the component it is stored on, as discussed above. In dependent claim 3, Appellants have positively claimed the act of "configuring memory objects within the devices by downloading at least the device designation data from the database, wherein the designating data is representative of a physical location of a device in the system." Again, this is a positive limitation, and, as such, Appellants respectfully assert that this recitation cannot be summarily dismissed.

Therefore, Appellants respectfully assert that Skoolicas does not anticipate independent claim 1 and its respective dependent claims 2-11, nor does it anticipate independent claim 20 and its respective dependent claims 22-25. In view of the foregoing, Appellants respectfully request that the Board reverse the Examiner's rejection and allow claims 1-11 and 20 and 22-25.

B. Independent Claims 31 and 47 and the Claims Depending Therefrom

Respectfully, Appellants assert that Skoolicas does not disclose "a component programming module adapted to access data from the database and to download the data into each programmable component." (Emphasis added.) Rather, as discussed above, Skoolicas requires a physical person that enters a program into the microprocessor of a component. Again, nothing in Skoolicas teaches or suggests that data from either the SIM or the CIM can be transferred into the microprocessor without human input. Thus, Skoolicas does not disclose a component programming module as recited.

Keeping in mind the legal precedent discussed above, Appellants respectfully assert that the Examiner's assertion that the manual programming of Skoolicas is equivalent to claimed component programming module is incorrect. In summary, Appellants respectfully assert that one of ordinary skill in the art would not equate a person with the component programming module recited in the instant claim, let alone a component programming module adapted to download the data into the said component. Indeed, an equivalence between a human being and a programming module--as the

Examiner presents-- is neither reasonable nor consistent with the specification in any sense.

With the foregoing in mind, Appellants respectfully assert that Skoolicas does not anticipate independent claim 31 and its respective dependent claims 32 and 33, and independent claim 47 and its respective dependent claims 48 and 49. Respectfully, Appellants request the Board reverse the Examiner's rejection and require allowance of claims 31-33 and 47-49.

C. Independent Claims 34 and 50 and the Claims Depending Therefrom

Appellants respectfully assert that Skoolicas does not disclose the steps of "generating a database...including device designation data including data representative of a physical location of a device in the system" and "configuring memory objects within the devices by downloading at least the device designation data from the database into the memory objects," as is recited in independent claim 34, nor does Skoolicas disclose "generating a system design database including data representative of programmable components" and "programming the programmable components by downloading at least the device designation data from the database," as is recited in independent claim 50. (Emphasis added.) Rather, as discussed above, Skoolicas relies on a person to manually program the disclosed microprocessor. Respectfully, Appellants assert this manual programming not equivalent to downloading as is recited in the instant claim.

Additionally, neither the Examiner not Skoolicas itself teaches or suggests that the data downloaded into the component devices includes data representative of a physical location of the device in the system. Again, in Skoolicas, only programming of a microprocessor is disclosed. And at no point is the step of downloading data regarding the physical location of the component into the component either taught or suggested. As discussed above, the operational programs of a component in know way provides designation data about this component, let alone its physical location in the system. As a practical matter, knowledge regarding the component's physical location can aid in the

installation and maintenance of this component, and Skoolicas cannot perform these functions.

In view of the foregoing, Appellants respectfully assert that Skoolicas does not anticipate independent claim 34 and its respective dependent claims 35 and 37-41. Respectfully, Appellants request the Board withdraw the Examiner's rejections and require allowance of the foregoing claims.

D. Independent Claim 42 and the Claim Depending Therefrom

Appellants respectfully assert that Skoolicas does not disclose "programming the programmable components by downloading at least device designation data from the database," as recited in independent claim 42. Instead, as discussed above, Skoolicas teaches that the disclosed microprocessor is programmed by a person. Thus, Appellants respectfully assert that it cannot reasonably be said that these programming instructions are downloaded into the microprocessor. Again, one of ordinary skill in the art would not reasonably interpret a person as a medium for downloading data from one electrical component to another.

In view of the foregoing, Appellants respectfully assert that independent claim 42 and its respective dependent claims 43-46 are not anticipated by Skoolicas. Respectfully, Appellants request the Board to withdraw the Examiner's rejection and require allowance of claims 42-46.

CONCLUSION

The Examiner and the Board are invited to contact the undersigned if it is believe that a teleconference will expedite prosecution of the present application.

Respectfully submitted,

Date: May 10, 2005

Manish Vyas
Reg. No. 54,516
FLETCHER YODER
P.O. Box 692289
Houston, TX 77269-2289
(281) 970-4545

CORRESPONDENCE ADDRESS
ALLEN-BRADLEY COMPANY, LLC
Patent Department/704P Floor 8 T-29
1201 South Second Street
Milwaukee, Wisconsin 53204
Attention: Mr. Alexander Gerasimow
Phone: (414) 382-2000

8. Index of Claims

1. (previously presented) A method for selling engineered electrical systems, the method comprising the steps of:
generating a database for an electrical system comprising a plurality of programmable devices, the database including device designation data;

soliciting an order for the system;
assembling the system including the plurality of programmable devices; and
configuring memory objects within the devices by downloading at least the device designation data from the database.

2. (previously presented) The method of claim 1, comprising the further step of designing the electrical system including the plurality of programmable devices.

3. (original) The method of claim 1, wherein the device designation data includes data representative of a physical location of a device in the system.

4. (original) The method of claim 1, wherein the device designation data includes data representative of a function of a device in the system.

5. (original) The method of claim 1, wherein the step of soliciting the order includes computing price data based upon the database.

6. (original) The method of claim 1, comprising the further step of storing the database in a computer coupled to the system.

7. (original) The method of claim 1, wherein the system includes a plurality of subassemblies, at least a portion of the subassemblies including at least one

programmable device, and wherein the memory objects of the programmable devices are configured after arrangement of the devices in the subassemblies.

8. (original) The method of claim 7, wherein the memory objects of the programmable devices are configured prior to arrangement of the subassemblies in the system.

9. (original) The method of claim 7, wherein the memory objects of the programmable devices are configured after arrangement of the subassemblies in the system.

10. (original) The method of claim 1, wherein the programmable devices include electrical power switching devices mounted within an enclosure.

11. (original) The method of claim 10, wherein the system includes a motor control center.

12-19. (canceled).

20. (previously presented) A method for coordinating sales and manufacturing of electrical systems, the method comprising the steps of:

generating a system design database including data representative of programmable components and component layout for an electrical system;

assembling the system components in accordance with the component layout; and

programming the programmable components by downloading information from the database into the programmable components.

21. (canceled).

22. (previously presented) The method of claim 20, wherein the database includes data representative of a physical location of each programmable component in the system in accordance with the layout.

23. (original) The method of claim 20, wherein the step of programming the programmable components is performed following final assembly of the components in the system.

24. (original) The method of claim 20, wherein the step of assembling the system includes coupling the programmable components to a data network in the system for accessing data from each programmable component.

25. (original) The method of claim 24, wherein the programmable components are programmed via the data network.

26-30. (canceled).

31. (previously presented) An integrated system for generating sales proposals for and programming a motor control center including a plurality of programmable electrical components, the system comprising:

a database including data representative of programmable electrical components comprising the motor control center, a function of the components in the motor control center, and a physical location of the components in the motor control center;

a sales proposal module for facilitating generation of a sales proposal based upon the database; and

a component programming module adapted to access data from the database and to download the data into each programmable component.

32. (original) The system of claim 31, wherein the programming module is adapted to download into each programmable component data representative of at least the function of the component in the motor control center.

33. (original) The system of claim 31, wherein the programming module is adapted to download into each programmable component data representative of at least the physical location of the component in the motor control center.

34. (previously presented) A method for selling engineered electrical systems, the method comprising the steps of:

generating a database for an electrical system comprising a plurality of programmable devices, the database including device designation data, the device designation data including data representative of a physical location of a device in the system;

assembling the system including the plurality of programmable devices; and

configuring memory objects within the devices by downloading at least the device designation data from the database into the memory objects.

35. (previously presented) The method of claim 34, wherein the device designation data includes data representative of a function of a device in the system.

36. (canceled).

37. (previously presented) The method of claim 34, comprising the further step of storing the database in a computer coupled to the system.

38. (previously presented) The method of claim 34, wherein the system includes a plurality of subassemblies, at least a portion of the subassemblies including at least one programmable device, and wherein the memory objects of the programmable devices are configured after arrangement of the devices in the subassemblies.

39. (previously presented) The method of claim 38, wherein the memory objects of the programmable devices are configured prior to arrangement of the subassemblies in the system.

40. (previously presented) The method of claim 38, wherein the memory objects of the programmable devices are configured after arrangement of the subassemblies in the system.

41. (previously presented) The method of claim 38, comprising the further step of designing the electrical system including the plurality of programmable devices.

42. (previously presented) A method for coordinating sales and manufacturing of electrical systems, the method comprising the steps of:

generating a system design database including data representative of programmable components and component layout for an electrical system, the programmable components being programmed by downloading a portion of the database into each programmable component;

soliciting a sale of the system based upon the system design;

assembling the system components in accordance with the component layout; and

programming the programmable components by downloading at least ~~the~~ device designation data from the database.

43. (previously presented) The method of claim 42, wherein the portion of the database includes data representative of a physical location of each programmable component in the system in accordance with the layout.

44. (previously presented) The method of claim 42, wherein the step of programming the programmable components is performed following final assembly of the components in the system.

45. (previously presented) The method of claim 42, wherein the step of assembling the system includes coupling the programmable components to a data network in the system for accessing data from each programmable component.

46. (previously presented) The method of claim 45, wherein the programmable components are programmed via the data network.

47. (previously presented) An integrated system for generating sales proposals for and programming a motor control center including a plurality of programmable electrical components, the system comprising:

a database including data representative of programmable electrical components comprising the motor control center, a function of the components in the motor control center, and a physical location of the components in the motor control center; and

a component programming module adapted to access data from the database and to download the data into each programmable component.

48. (previously presented) The system of claim 47, wherein the programming module is adapted to download into each programmable component data representative of at least the function of the component in the motor control center.

49. (previously presented) The system of claim 47, wherein the programming module is adapted to download into each programmable component data representative of at least the physical location of the component in the motor control center.

50. (previously presented) A method for coordinating sales and manufacturing of electrical systems, the method comprising the steps of:

generating a system design database including data representative of programmable components and component layout for an electrical system, the programmable components

being programmed by downloading a portion of the database into each programmable component;

assembling the system components in accordance with the component layout; and

programming the programmable components by downloading at least the device designation data from the database.

51. (previously presented) The method of claim 50, wherein the portion of the database includes data representative of a physical location of each programmable component in the system in accordance with the layout.

52. (previously presented) The method of claim 50, wherein the step of programming the programmable components is performed following final assembly of the components in the system.

53. (previously presented) The method of claim 50, wherein the step of assembling the system includes coupling the programmable components to a data network in the system for accessing data from each programmable component.

54. (previously presented) The method of claim 53, wherein the programmable components are programmed via the data network.